REMARKS

Reconsideration of the rejections set forth in the Office Action is respectfully requested. Currently, claims 1-12 are pending in this application.

Rejection under 35 U.S.C. 102(e)

Claims 1, 3-7, 9, and 12 were rejected under 35 U.S.C. 102(e) as anticipated by Newman (U.S. Patent No. 5,978,940). This rejection is respectfully traversed in view of the following arguments.

This application relates to a way of enabling computer telephony resources to be made available over a network. As described on pages 1-2 of the application, there are many types of network devices that provide specific functionality in a communications network. It has conventionally been difficult to integrate these network devices and services because of the proprietary protocols utilized by the network devices. One goal of the instant application was to provide a framework for developing computer telephony applications by enabling these diverse network devices to be interoperable. The solution, according to an embodiment of the invention, was to utilize an object-oriented, language independent, architecture, such as a CORBA bus, to allow the computer telephony resources to be utilized together.

Newman teaches a software package for testing network elements and processes in a telecommunications network. Fig. 2 of Newman illustrates the telecommunications system test platform. (Col. 15, lines 17-18). As shown in Fig. 2, test applications 202 execute tests on the network under test 200. (Col. 15, lines 17-24). A network information concentrator (NIC) 220 receives outputs from the components of the network under test. Vendor created network elements are interfaced to the network information concentrator 220 via a SAVE interface 230,

and other proprietary network elements 250 input test results to the network information concentrator 220 directly. (Col. 15, lines 32-50).

A Test Execution and Automation Management System (TEAMS Loader 270) interfaces the Network information concentrator 220 with a SQL database 240 so that test results may be stored in the SQL database. (Col. 15, lines 56-65).

A TEAMS Server (Test Execution and Automation Management System Server) 280 provides a client interface (client API) to the test applications 202-208. (Col. 16, lines 58-60). A test application obtains test case information through the TSERV 280 (Col. 16, lines 60-64), runs the test using the test case information on the network under test 200, and couples to the TSERV 280 to obtain the test case results. (Col. 16, lines 60-66).

Fig. 5 shows a detailed view of the TSERV 280 (Col. 23, lines 26-27). As shown in Fig. 5, the TSERV 280 includes a CORBA Object Request Broker configured to provide access through a CORBA compliant interface to applications such as:

Client Manager (CLM 502)
Subscribe and Publish application (SAP 504)
Verification Request Loader (VRL 506)
Verifier (VER 508)
Billing Record Finder (BRF 510)
Time Server (512)
Logger (514)
Registry (520)
Process Manager (522)
Colletor (540) configured to interface with network interface controller 560 (also referred to as NIC 220);
Loader (530) configured to load test results into the oracle database 550 (also referred to earlieras SQL DB 240) and
TSERV Management Console (TSERV TMC 570).

The Object Request Broker in Newman, therefore, operates within the TSERV 280 to

interface clients to test applications and the SQL database.

The Examiner has taken the position that Newman discloses a telecommunications server 570. This is incorrect. Newman explains that the TSERV (TMC) 570 is a TSERV Management Console (Col. 23, lines 40-44). The TSERV management console 570 "accesses the ORB 580 to obtain access to the aforementioned applications [502-540] and couples with the oracle SQL DB 550 to obtain information." Thus, element 570 in Newman is not a telecommunications server but rather is a management console in the test system disclosed in Newman.

The Examiner then contends that the element 570 contains an interface to a plurality of computer telephony resources, referring back to fig. 2 and citing col. 10, line 60-col. 11, line 8, and col. 12, lines 38-56. Applicants respectfully submit that the TSERV Management Console does not contain an interface to the network devices of Fig. 2. Instead, as is clear in Fig. 2, the TSERV software (illustrated in Fig. 5) is connected to the SQL database and to the test applications. As shown in Fig. 5, the TSERV Management Console is connected to the SQL database and to the ORB. Thus, the TSERV management console is not connected by the ORB to network under test or to any of the components of the network under test.

The Examiner also asserts that the interface is to a call router and fax/voice processing units, citing Fig. 1b. Fig. 1b in Newman illustrates one example of a network that may be tested by Newman's testing device. The network elements are not connected to the TSERV Management Console as asserted by the Examiner. Rather, as is clear in Fig. 2, the network under test 200 is connected by the SAVE interface to the Network information concentrator 220, directly to the network information concentrator NIC 220, or directly to the SQL database 240. Accordingly, none of the network elements making up the network under test are connected to the TSERV Management Console 570.

Finally, the Examiner contends that Newman teaches CORBA middleware for receiving and decoding a request from the client for accessing the resources. Applicants respectfully disagree. Newman does not teach or suggest that the client 500 should be able to gain access to the resources in the network under test through the object request broker. Instead, the client submits a request to a client manager 502. The client manager interfaces with a test application to run tests on the network under test. The client, however, is never provided with access to the resources provided by the network under test.

Claim 1 recites: "A server comprising:

an interface to a data network;

an interface to a computer telephony resource providing a computer telephony service; and

means for receiving a first request from a client application coupled to the data network, said first request containing an object-oriented, language independent, second request for access to the computer telephony resource."

Since, Newman does not teach "an interface to a computer telephony resource" and means for receiving a first request from a client application "containing… [a] second request for access to the computer telephony resource." Applicants respectfully request that the rejection of claims 1, 3-7, 9, and 12 be withdrawn.

Dependent Claim 7

The Examiner rejected claim 7 under 35 U.S.C. 102(e) over Newman, but has not provided any reference to claim 7 in the rejection, or stated where support for the rejection may be found in Newman.

Claim 7 recites: "The server of claim 1 wherein the resource is an interactive voice

response device, and wherein the means for receiving an object-oriented, language independent request from the client application includes means for receiving a request for access to the interactive voice response device." Since the Examiner has not specified where Newman teaches that the resource is an interactive voice response device, applicants respectfully request that the rejection of claim 7 over Newman be withdrawn. Additionally, if the rejection of claim 7 is to be maintained, applicants respectfully request that the finality of this office action be withdrawn to enable applicants to respond to the Examiner's previously unsupported position. See MPEP 706.07(e) (It is permissible to withdraw a final rejection for the purpose of entering a new ground of rejection).

Dependent Claim 8

Claim 8 recites "The server of claim 1 wherein the resource is a facsimile device, and wherein the means for receiving an object-oriented, language independent request from the client application includes means for receiving a request for access to the facsimile device." The Examiner has not pointed out where Newman teaches that the client application should issue a request to a facsimile device. Indeed, after reading Newman it appears that the TEAMS Client 500 is unlikely to send a request over the ORB 580 to request access to a facsimile device. This is more apparent when it is considered that the TEAMS client is a Test Execution and Management System Client which under normal operating conditions would not be seeking to have access to facsimile resources.

Independent Claim 12

Independent claim 12 recites a method for providing remote services by a server, coupled

to a computer telephony resource. The Examiner has not indicated where Newman teaches a method of this nature. Additionally, independent claim 12 recites receiving a first request from a client application, said first request containing a second request, decoding the second request to determine a parameter needed by a computer telephony resource, and passing the parameter to the computer telephony resource. The TSERV management console, to the extent it receives requests of any nature, certainly does not pass parameters from the requests to computer telephony resources. Accordingly, for this additional reason, applicants respectfully request that the rejection of claim 12 be withdrawn.

Rejection under 35 U.S.C. 103

Claims 2 and 4-6 were rejected under 35 U.S.C. 103 as unpatentable over Newman in view of Jordan (U.S. Patent No. 6,163,535). Since Jordan fails to make up the deficiencies noted above with respect to Newman, applicants respectfully request that this rejection be withdrawn.
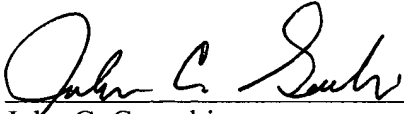
Conclusion

In view of foregoing claim amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and an action to this effect is respectfully requested. If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-HU0125).

Respectfully Submitted

Dated: September 12, 2002

John C. Gorecki
Registration No. 38,471

John C. Gorecki, Esq.
Patent Attorney
165 Harvard St.
Newton, MA 02460
Tel: (617) 796-9024
Fax: (617) 795-0888

-11-